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New York, NY 10023

In re Application of :
STEYNBERG *et al* :
U.S. Application No.: 10/588,475 :
PCT No.: PCT/IB2005/050449 :
Int. Filing Date: 03 February 2005 :
Priority Date: 05 February 2004 :
Attorney Docket No.: U 016429-4 :
For: CO-PRODUCTION OF :
HYDROCARBONS AND DIMETHYL :
ETHER :

DECISION ON PETITION

TO WITHDRAW HOLDING

OF ABANDONMENT

This decision is in response to the "Request to Withdraw Holding of Abandonment" filed on 17 October 2008 and the "Renewed Request to Withdraw Holding of Abandonment" filed 04 February 2009.

BACKGROUND

On 07 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. A two-month time limit in which to respond was set with extensions of time available.

On 19 February 2008, applicants purportedly filed an executed declaration and \$130.00 surcharge fee. The declaration was not located in the above-captioned application. However, the \$130.00 surcharge fee has been paid.

On 09 October 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 07 February 2008 within the time period set.

On 17 October 2008, applicants filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents purportedly filed 19 February 2008 along with the date-stamped postcard receipt for those documents.

On 04 February 2009, applicants filed a renewed petition to withdraw the holding of abandonment.

DISCUSSION

A review of the subject application and USPTO records shows that the 19 February 2008 declaration has been located and transferred¹ to the above-captioned application.

The papers filed 19 February 2008 sufficiently identified the papers as a response in the subject national stage application of PCT/IB2005/050449. The declaration is in compliance with 37 CFR 1.497(a) and (b).

DECISION

For the reasons noted above, applicants' petition to withdraw the holding of abandonment is GRANTED.

The Form PCT/DO/EO/909 mailed 09 October 2008 is hereby VACATED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 February 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 February 2008.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.



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¹ The declaration was located in a file identified using the international application number (PCT/IB05/50449).